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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 2, 2003

**RECEIVED**  
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**GROUP 3600**

In re application of : GIRALT, Pedro P.  
Serial No. : 10/064,449  
Filed : July 16, 2002  
For : **APPARATUS FOR PEDESTRIAN RAILING  
AND METHOD OF MAKING**  
Examiner : MacArthur, Victor L.  
Art Unit : 3679  
Our File No. : 10682.3801

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Non Fee Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant's attorney responds to the Examiner's Requirement for Restriction dated September 24, 2003 as follows.

The Examiner required restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a safety railing, classified in class 256, subclass 59.
- II. Claims 6-7, drawn to a method of making a safety railing, classified in class 29, subclass 428.

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Inventions II and I are related as process of making and product made. It is Examiner's position the process of making a safety railing as described in claims 6-7 could result in a product other than the safety railing disclosed in claims 1-5. According to the Examiner, a safety railing comprising a bottom bar channel not for rigidly holding pickets in place without welding.

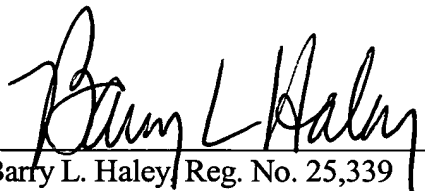
The Examiner believes the inventions are distinct for these reasons and that the search required for Group I is not required for Group II.

Applicant hereby elects Group I, claims 1-5, drawn to a safety railing, classified in class 256, subclass 59 without traverse. Applicant hereby cancels claims 6 and 7 drawn to a method of making a safety railing, classified in class 29, subclass 428.

Applicant believes there is no issue as to inventorship.

If there are any additional charges, including Extensions of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,

  
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Barry L. Haley, Reg. No. 25,339  
Malin, Haley & DiMaggio, P.A.  
1936 S. Andrews Avenue  
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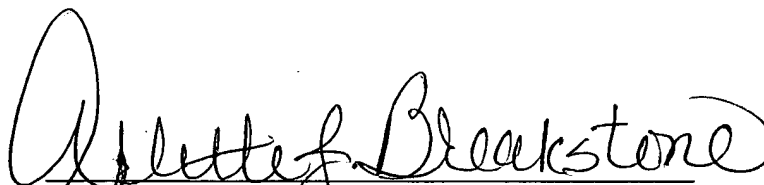
Our File No.: 10682.3801

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that the following correspondence: Response to Restriction Requirement; and a Return Postcard for confirmation of receipt is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on **this 2<sup>nd</sup> day of October, 2003.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extension of time, please bill our Account No. 13-1130.

  
Arlette J. Breakstone / Paralegal

Date: October 2, 2003

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